

REMARKS

This amendment is in response to the Official Action dated June 27, 2005. Claims 1, 7, 8 and 14 have been amended and new Claims 20-22 have been added. The application now includes Claims 1-22 with Claims 1, 8 and 15 being the only independent claims. Favorable reconsideration, in view of the above amendments and accompanying remarks, is respectfully requested.

In paragraphs 1 and 2 of the Official Action, the Examiner has rejected Claims 1-19 for the reasons noted therein. It is believed that the above changes to Claims 1 and 8 overcome this rejection. Regarding Claim 15, it is believed that no changes are needed since this claim does not use the phrase “said centrally located *first* aperture thereof”, as used in Claims 1 and 8. (Emphasis added).

In paragraphs 3 and 4 of the Official Action, the Examiner has rejected Claims 1, 3, 4, 8, 10, 11 and 15-17 under the provisions of 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,865,275 to Anger et al. These rejections are respectfully traversed in view of the following reasons.

As amended, Claim 1 now recites in part that the vehicle brake assembly comprises “*a one piece integral stamp formed drum-in-hat adapter having an abutment member and a pair of ears formed integral therewith*, said abutment member protruding from said one piece integral stamp formed drum-in-hat adapter and including an appropriately shaped profile for *directly receiving* an associated end of a pair of brake shoes of the drum brake shoe assembly”. (Emphasis added). None of the cited references discloses or suggests, alone or in combination, such a vehicle disc brake assembly structure.

Specifically, the Anger et al. ‘275 reference discloses in Fig. 3 a stamped sheet metal flange 16 (i.e., the drum-in-hat adapter) having an *abutment member 30* which can be attached to the flange 16 by integrally forming it into the flange *by casting it onto a side portion of the flange 16*. In the Official Action, the Examiner states that “Such member or portion of adapter 16 may be considered as an abutment member, *as broadly claimed*, since it abuts with element 30.” (Emphasis added). However, as now recited in Claim 1, the term “abutment member” means: 1) the abutment member

40 as described and illustrated in the present application; 2) does not include the ears or lugs 38 of the adapter since the ears are separately recited in Claim 1; and 3) is clearly not the same as that in the area of the lead line 16 on the left side of element 16 abutting with element 30 in the Anger et al. '275 reference. Further, the Examiner states that Claim 1 fails to recite that the abutment member receives an associated end of a brake shoe and that Applicant's argument is more specific than the claim language. As amended, Claim 1 now recites that the abutment member protrudes from the one piece integral stamp formed drum-in-hat adapter and includes *an appropriately shaped profile for directly receiving an associated end of a pair of brake shoes of the drum brake shoe assembly*. (Emphasis added). Clearly, the portion of element 16 abutting with element 30 in the Anger et al. '275 reference does not directly receive an end of a brake shoe – in Anger et al. '275 only the separately cast abutment 30 directly receives an end of a brake shoe. Also, the Examiner emphasizes that patentability of product claims limited and defined by a process is based on the product and not its method of production. To positively recite a product and not a product defined by a process, Claim 1 has been amended to recite a product, namely a “one piece integral stamp formed drum-in-hat adapter having an abutment member and a pair of ears formed integral therewith”. Accordingly, it is believed that Claim 1, along with dependent Claims 2-7 and 20, are patentable over the cited references.

Independent Claim 8 has been amended in a manner similar to that of Claim 1. Thus, for those reasons discussed above with respect to Claim 1, it is believed that Claim 8, along with dependent Claims 9-14 and 21, are patentable over the cited references.

Independent Claim 15 has been amended in a manner similar to that of Claim 1. Thus, for those reasons discussed above with respect to Claim 1, it is believed that Claim 15, along with dependent Claims 16-19 and 22, are patentable over the cited references.

In paragraphs 5 and 6 of the Official Action, the Examiner has rejected Claims 2, 5, 6, 9, 12, 13, 18 and 19 under the provisions of 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,865,275 to Anger et al. Dependent Claims 2, 5, 6,

9, 12, 13, 18 and 19 are believed to be patentable for those reasons discussed above with respect to their respective independent Claims 1, 8 and 15.

In paragraph 7 of the Official Action, the Examiner has rejected Claims 7 and 14 under the provisions of 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,865,275 to Anger et al. in view of U.S. Patent No. 5,884,732 to Anger et al. (Please note that the Official Action mistakenly listed U.S. Patent No. 5,884,732 as 588732). Dependent Claims 7 and 14 are believed to be patentable for those reasons discussed above with respect to their respective independent Claims 1 and 8.

In paragraphs 8 and 9 of the Official Action, the Examiner has rejected Claims 4, 11 and 15 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1, 10 and 19 of U.S. Patent No. 6,729,444 to Schmandt et al. in view of U.S. Patent No. 5,865,275 to Anger et al. In view of the above amendments to the claims, it is believed that Claims 4, 11 and 15 overcome this rejection. However, if the Examiner still rejects one or more of the above claims based on an obviousness-type double patenting rejection, a terminal disclaimer would be filed to overcome such a rejection upon receipt of a notice of allowance in the instant case.

In view of the above amendments and accompanying remarks, it is believed that the application is in condition for allowance. However, if the Examiner does not believe that the above remarks and amendments place the application in condition for allowance, or if the Examiner has any additional comments or suggestions, it is requested that the Examiner contact Applicants' attorney at (419) 255-5900 to discuss the application prior to the issuance of an action in this case by the Examiner.